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November 18, 2013

VIA ECF

Hon. Debra C. Freeman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Robledo v. No. 9 Perfume Leasehold*, 12 CV 3579 (ALC)(DCF)
related to
***Robledo v. Bond No. 9*, 12 CV 6111 (ALC)(DCF)**

Dear Judge Freeman:

We represent Plaintiffs Veronica Robledo and Karin M. Widmann in the two (2) above actions and write concerning *Robledo v. No. 9 Perfume Leasehold*, 12 CV 3579 (ALC)(DCF).

We are writing to follow-up on our late Friday afternoon letter to the Court.

Over the weekend, we obtained a “rough” transcript of Friday’s deposition of Ms. Hormidas Caloobanan, and wanted to bring certain pertinent excerpts to the Court’s attention. Specifically, at one point in the deposition, counsel had the following exchange:

MR. ANDREWS (for Plaintiffs; to Mr. Lalli, for Defendants): Let me get this straight. You're going to instruct Miss Caloobanan to not respond to my question, which is do you know who Joan Bolick is?

MR. LALLI (for Defendants): No. I'm not going to instruct her. I did.

MR. ANDREWS: Okay. I just wanted to be clear.

BY MR. ANDREWS:

Q Miss Caloobanan, your attorney has directed you to not identify or to not answer whether you know who Miss Bolick is. Are you going to follow your attorney's instruction?

* * *

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MR. LALLI: I withdraw the instruction only to the extent that you're asking her if she knows who I'm not going to permit any inquiry into the events that this affidavit purports to lie about.

MR. ANDREWS: Okay. Thank you for your testimony which, is extremely inappropriate. I'm going to continue to ask background questions. I would strongly recommend, for your own sake, Mr. Lalli, that you limit your objections to a question-by-question basis.

MR. LALLI: I appreciate your concern.

MR. ANDREWS: I do not want you to be on the record instructing witnesses not to answer questions about basic background information. I don't think it's good for you to be on the record instructs[ing] the witness to not answer a question like that.

For these reasons, we request a short telephonic conference with the Court, preferably in advance of Tuesday's deposition of Ms. Laurice Rahme, in order to resolve this issue.

We thank the Court's time and consideration.

Respectfully submitted,
THE HARMAN FIRM, PC

s/
Peter J. Andrews [PA-3295]

Encls.

cc: Dennis A. Lalli, Esq. (via ECF)
Barbara V. Cusumano, Esq. (via ECF)
Peter J. Andrews, Esq. (via ECF)
Hon. Debra Freeman (via U.S. mail without encls.)